IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6584 of 2007()

[CRIME NO.1609/2007 OF ALUVA POLICE STATION]

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PETITIONER/ACCUSED NO.7:

KABEER, AGED 34 YEARS, S/O. MOIDU,
CHAKKALATHOOTTU VEEDU, THOTTAKKATTUKARA,
ALUVA WEST VILLAGE.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERAL REPRESENTED BY SUB
INSPECTOR OF POLICE, ALUVA POLICE STATION,
ERNAKULAM DISTRICT REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6584 of 2007

Dated this the 6th day of November 2007

O R D E R

Application for anticipatory bail. The petitioner has subsequently been arrayed as the seventh accused in the crime. He is the owner in possession of a vehicle. He had acquired ownership as per an agreement from the registered owner. The crux of the allegations is that the vehicle of the petitioner was used for transportation of illicit liquor. The vehicle, it is further alleged, had met with an accident and had caused the death of two persons. There is no contention that the petitioner was in any way involved actually in the contumacious activity of transporting liquor. That was done by accused 1 to 4 and others. The only allegation against the petitioner is that he happens to be the actual owner in possession of the vehicle at the relevant time. The allegations are raised for offences punishable under Sections 304 & 308 I.P.C and also the provisions of the Kerala Abkari Act.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I

am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions. In the absence of opposition by the learned Public Prosecutor, it is not necessary for me to advert to facts in any greater detail.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having urisdiction at 11 a.m on 13/11/2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 14/11/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 13/11/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 13/11/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007